

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO.: 3:10-CR-5-1
(GROH)**

**JOKARI LEE BARNETT,
a/k/a “Corey,”**

Defendant.

**ORDER DENYING DEFENDANT’S SECOND MOTION TO
REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Now before the Court is the *pro se* Defendant’s Motion to Modify Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2). ECF No 116. In his motion and the cover letter attached thereto, the Defendant expresses remorse for his mistakes and details the positive steps that he has taken while incarcerated.


The Defendant first moved for a sentence reduction pursuant to § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines on June 15, 2015. The Court denied that motion on June 23, 2015, because the Defendant was serving a shorter sentence than the sentence advised by the low-end of the amended guideline range. The Court denies the instant motion to reduce for the same reason. The Defendant was sentenced to a downward variant sentence of 132 months’ incarceration. That term of incarceration remains lower than the minimum of the Defendant’s amended guideline range. The Court commends the Defendant for the positive steps he has taken while incarcerated, but the Court will not reduce the Defendant’s term of imprisonment under

§ 3582(c)(2) to a term that is lower than the minimum of the amended guideline range.

Accordingly, the Court **ORDERS** that the Defendant's Motion to Modify Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2) [ECF No 116] is **DENIED**.

The Clerk is hereby **DIRECTED** to transmit copies of this Order to all counsel of record herein and to the *pro se* Defendant at his last known address as shown on the docket sheet.

DATED: February 1, 2016


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE